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RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY
RUCNFB/FBI WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
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TAGS: [PREL](#) [MARR](#) [SP](#)
SUBJECT: SPAIN/COUSO CASE: JUDGE ISSUES DETENTION ORDER
AGAINST THREE U.S. SERVICEMEN

REF: A. MADRID 26

[B](#). 2006 MADRID 3013
[C](#). 2005 MADRID 4308

[1](#). (U) National Court Examining Magistrate Santiago Pedraz issued international detention orders on January 16 against three U.S. servicemen, Sgt. Thomas Gibson, Captain Philip Wolford, and Lt. Col. Philip de Camp, accused of murder and violating international law in the death of Spanish cameraman Jose Couso during the April 2003 capture of Baghdad. This action, taken at the request of the plaintiffs in the case (the Couso family) effectively reopens the case following a December 2006 ruling by the Spanish Supreme Court that Spanish courts have jurisdiction to try the matter (REF A). As noted in REF A, this swift action by the magistrate was widely anticipated. However, Santiago Pedraz also agreed to a request from the plaintiffs to order the National Court prosecutors to prepare a report advising whether it would be legally permissible to "embargo" (i.e. freeze) assets in order compel compliance with the civil elements of the Couso family's case. The National Prosecutors assigned to the case have the option to appeal this request from the Examining Magistrate, but since they carried out a previous instruction by the magistrate to file the international detention order and the Spanish Supreme Court found that the order should be issued (REF A), we anticipate that the prosecutors will comply shortly.

//EMBASSY FOLLOW UP//

[2](#). (SBU) The Mission has been engaged with Spanish authorities on this issue at various levels, from the Ambassador with the Vice President and Interior Minister to action officers in contact with judicial officials. We intend to follow up with National Court Chief Prosecutor Javier Zaragoza as soon as possible to determine the full range of possibilities in this case. With regard to the issue of freezing of assets, there are conflicting reports as to whether the plaintiffs intend to pursue the assets of the accused or the USG's assets and we are actively seeking clarification on this point. Post will report as soon as we have collected additional information.
Aguirre